

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

ORDER

Crim. No. 14-cr-315(1) (MJD)

Mahdi Hussein Furreh,

Defendant.

Charles J. Kovats, Jr., Assistant United States Attorney, Counsel for
Plaintiff.

Manny Atwal, Assistant Federal Defender, Counsel for Defendant.

This matter is before the Court on Defendant's pro se motion to modify the conditions of his supervised release pursuant to 18 U.S.C. § 3583(e)(2). [Doc. No. 44]

I. Background

The Defendant was charged in an Indictment with one count of Making a False Statement to the FBI in violation of 18 U.S.C. 1001(a)(2). On October 3, 2014, the Defendant pleaded guilty to that count and was later sentenced to a term of imprisonment of 24 months, to be followed by three years of supervised

release. [Doc. Nos. 15, 37.] The Defendant did not file a direct appeal, and his conviction became final on March 22, 2017.

When this motion was filed, the Defendant was still serving his prison term. He was released on supervised release on November 15, 2018.

Initially, the Defendant challenged four special conditions of supervised release imposed by the Court. At this time, the Defendant is seeking to strike or modify Special Condition B – which provides the Defendant shall not possess or use a computer or have access to any on-line service without the prior approval of the probation office and Special Condition I – which requires the Defendant to submit to periodic polygraph testing at the direction of the probation office as a means to ensure compliance with the requirements of supervision.

II. Motion to Modify Under §3583(e)(2)

Title 18 U.S.C. § 3583(e)(2) provides that a court may, after considering certain factors set forth in section 3553(a):

(2) extend a term of supervised release if less than the maximum authorized term was previously imposed, and may modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the

modification of probation and the provisions applicable to the initial setting of the terms and conditions of post-release supervision.

This statute “allows a sentencing court ‘to respond to changes in the defendant’s circumstances that may render a previously imposed condition of release either too harsh or inappropriately tailored to serve the general punishment goals of § 3553(a).’” United States v. Shipley, 825 F. Supp.2d 984, 988 (S.D. Iowa 2011) (citation omitted).

At this time, the Defendant has not demonstrated a change in circumstance that warrants any modifications to any of the terms of his supervised release.

Accordingly,

IT IS HEREBY ORDERED that Defendant’s Motion to Modify the Conditions of Supervised Release [Doc. No. 44] is DENIED.

Date: August 7, 2019

s/ Michael J. Davis

Michael J. Davis

United States District Court